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9 Associates

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 PALO MOBILE ESTATES ASSOCIATES,
13 a California limited partnership,

14 Plaintiff,

15 vs.

16 CITY OF EAST PALO ALTO, a municipal
17 corporation; DOES 1 through 10, inclusive,

18 Defendants.
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CASE NO: C 07-03601 PJH

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

Superior Court Action Filed: June 12, 2007
Removed to Federal Court: July 12, 2007
Trial Date: None Set

1 WHEREAS, the Court has stayed this matter at the request of both parties pending the
2 outcome of the concurrent petition for a writ of mandate in the San Mateo County Superior Court
3 (“Case No. CIV 467731”);

4 WHEREAS, whereas Case No. CIV 467731 sought a writ compelling the City of East Palo
5 Alto (“City”) to vacate Ordinance No. 305, which imposed certain conditions on mobilehome park
6 conversions from rental-only facilities to resident ownership pursuant to Government Code section
7 66427.5 within the City;

8 WHEREAS, the San Mateo County Superior Court entered a writ in Case No. CIV 467731
9 on June 24, 2008 (“Writ”);

10 WHEREAS, this action seeks damages related to the City’s adoption of Ordinance No. 305
11 and its effect on plaintiff Palo Mobile Estates Associates’ (“PME”) application to convert its
12 mobilehome park from a rental-only facility to resident ownership pursuant to Government Code
13 section 66427.5 (“Application”);

14 WHEREAS, the City’s Planning Commission held a hearing on PME’s Application on
15 October 20, 2008, at which time it denied PME’s Application.

16 WHEREAS, PME appealed the City’s Planning Commission’s decision to the City
17 Council;

18 WHEREAS, the City Council heard PME’s appeal on December 16, 2008;

19 WHEREAS, the City Council’s decision on PME’s Application could drastically affect the
20 scope of this action;

21 WHEREAS, this Court continued the Case Management Conference set for November 6,
22 2008 to January 22, 2009 to allow the parties to receive a final determination on PME’s
23 Application;

24 WHEREAS, at the December 16, 2008 City Council hearing on PME’s appeal, no final
25 determination on PME’s Application was reached as the City Council, in conjunction with PME,
26 determined instead to enter into mediation, to take place within the next thirty (30) days.

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1 ACCORDINGLY, IT IS HEREBY STIPULATED by PME and the City, by and through
2 their respective counsel, that:

3
4 This Court continue the stay in this action and continue the Case Management Conference
5 12
6 to March 5, 2009.

7 DATED: December 18, 2008

GILCHRIST & RUTTER
Professional Corporation

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10 By: /s/ Thomas W. Casparian
11 Thomas W. Casparian
12 Attorneys for Plaintiff
13 Palo Mobile Estates Associates

14 DATED: December 18, 2008

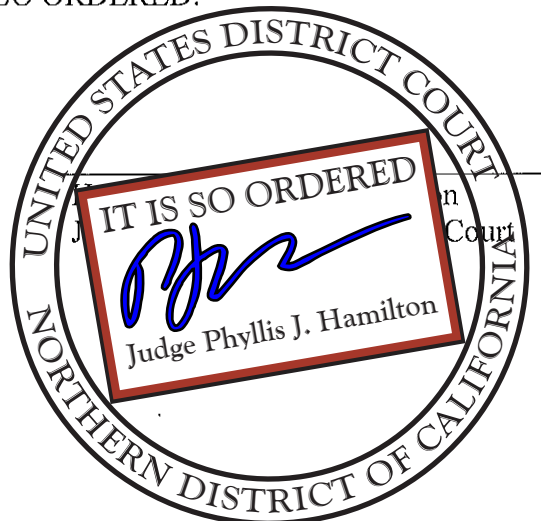
JARVIS, FAY, DOPORTO & GIBSON, LLP

15 By: /s/ Benjamin P. Fay
16 Benjamin P. Fay
17 Attorneys for Defendant
18 CITY OF EAST PALO ALTO

19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED: 12/30/08



PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 1299 Ocean Avenue, Suite 900, Santa Monica, California 90401-1000. On December 19, 2008, I served the within documents:

**STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE
[PROPOSED] ORDER**

- ☐ by transmitting the document(s) listed above via facsimile from sending facsimile machine number to the fax number(s) set forth below on this date before 5:00 p.m. and receiving confirmed transmission reports indicating that the document(s) were successfully transmitted.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Monica, California, addressed as set forth below.
- ☐ by causing overnight delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by causing personal delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

- ☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 19, 2008 at Santa Monica, California.

/s/ M.L. Glenn

M.L. Glenn

SERVICE LIST

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